

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2278 - SB 2182

January 31, 2012

SUMMARY OF BILL: Eliminates the statute of limitations for prosecution, if the offense is committed against a child on or after July 1, 2012, for the following offenses: aggravated rape, rape, aggravated sexual battery, sexual battery, rape of a child, sexual battery by an authority figure, aggravated rape of a child, statutory rape by an authority figure, incest, producing, importing, preparing, distributing, processing or appearing in obscene material or exhibition, sexual exploitation of a minor, aggravated sexual exploitation of a minor, and especially aggravated exploitation of a minor.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$493,100/Incarceration*

Assumptions:

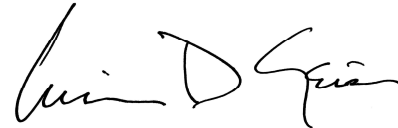
- According to the Department of Correction (DOC), the following is the 10-year average number of admissions for the enumerated offenses: 25 admissions for aggravated rape offenses; 52 admissions for sexual battery offenses; 18 admissions for sexual battery by an authority figure; 3 admissions for statutory rape by an authority figure; 14 admissions for incest; 1 admission for aggravated sexual exploitation of a minor; and 3 admissions for especially aggravated sexual exploitation of a minor.
- DOC estimates a five percent increase in the admissions for these offenses as a result of this bill.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one admission for aggravated rape (25 admissions x 5% = 1.25); three admissions for sexual battery (52 admissions x 5% = 2.6); one admission for sexual battery by an authority figure (18 admissions x 5% = 0.91); and one admission for incest (14 admissions x 5% = 0.70).
- The five percent increase in the 10-year average for the following offenses were minuscule and were not used in the estimate: rape of a child; aggravated rape of a child; producing, preparing or distributing obscene material; sexual exploitation of a minor; aggravated sexual exploitation of a minor; and especially aggravated exploitation of a minor.

- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average time served for aggravated rape is 17.43 years (3,652.50 days – 10th year); 0.70 years (255.68 days) for sexual battery; 5.80 years (2,118.45 days) for sexual battery by an authority figure; and 4.10 years (1,497.53 days) for incest.
- The additional operating cost in the tenth year (3,652.50 days) for one offender convicted of aggravated rape is \$224,117.40 (\$61.36 x 3,652.50 days); \$47,065.57 (\$61.36 x 255.68 days x 3 offenders) for sexual battery; \$129,988.09 (\$61.36 x 2,118.45 days) for sexual battery by an authority figure; and \$91,888.44 (\$61.36 x 1,497.53 days) for incest. The total additional operating cost is \$493,059.50 (\$224,117.40 + \$47,065.57 + \$129,988.09 + \$91,888.44).
- Due to the small number of offenders no recidivism discount has been applied for these offenses.
- No significant fiscal impact to the District Public Defenders Conference or the District Attorney Generals Conference due to the small increase in offenders.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc